

1 BILL NO. R-84-06-16

2 RESOLUTION NO. R- *Withdrawn*

3 A RESOLUTION of the Common Council
4 approving an amendment to the Cable
Communications System Contract.

5 WHEREAS, the Common Council of the City of Fort Wayne,
6 Indiana, has established a mechanism for a cable communications
7 system and the awarding of a franchise with respect thereto under
8 General Ordinance Number G-27-77;

9 WHEREAS, pursuant to said Ordinance Number G-27-77,
10 the Common Council has awarded a franchise for the construction,
11 operation and maintenance of a cable communications system, said
12 franchise awarded under General Ordinance Number G-20-78;

13 WHEREAS, the awarding of the franchise is memorialized
14 in a contract between the City and the Franchisee of August 16,
15 1978; and

16 WHEREAS, the parties of said contract desire to amend
17 same.

18 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the proposed amendment to the cable com-
21 munications contract, two (2) copies of which are annexed hereto,
22 is hereby ratified, confirmed and approved. Two (2) copies of the
23 Amendment are on file in the City Clerk's Office.

24 SECTION 2. That this Resolution shall be in full force
25 and effect from and after its passage and any and all approval
26 by the Mayor.

27
28
29 APPROVED AS TO FORM
AND LEGALITY

30 *Stanley A. Levine*
31 _____
32 Stanley A. Levine, Attorney for the
Common Council

Mark C. [Signature]
Councilmember

74-60-27
6-20-84

AMENDMENT TO CONTRACT

THIS AGREEMENT, made and entered into this 20th day of June, 1984, by and between COX CABLE FORT WAYNE (formerly Citizens Cable of Fort Wayne), hereinafter called "Franchisee" and the CITY OF FORT WAYNE, INDIANA, hereinafter called the "City."

WITNESSETH:

WHEREAS, the parties hereto are parties to a certain contract dated August 16, 1978, providing for the construction, operation and maintenance of a cable communications system in the City of Fort Wayne, Indiana;

WHEREAS, said contract between the parties is governed by and incorporates by reference therein, General Ordinance G-27-77; and

WHEREAS, the parties desire to amend the contract between them.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the contract between the parties dated August 16, 1978, is amended by adding thereto the following language:

The Franchisee agrees that it will not show x-rated films or programs, and the Franchisee specifically agrees that it is prohibited from showing any such x-rated films or programs. X-rated as herein used refers to that rating as used

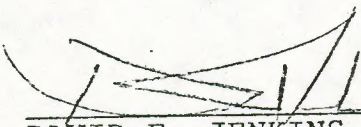
by the Motion Picture Association of America. Franchisee agrees that any violation hereof shall be cause for termination of the franchise and contract pursuant to the procedures as outlined in General Ordinance G-27-77.

In all other respects, the contract between the parties dated August 16, 1978, is hereby reaffirmed and ratified.

IN WITNESS WHEREOF, this document has been signed the day, month and year first above written.


COX CABLE FORT WAYNE

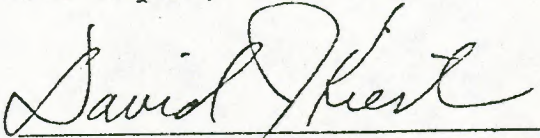
BY:


DAVID E. JENKINS, as its
Regional Manager

CITY OF FORT WAYNE

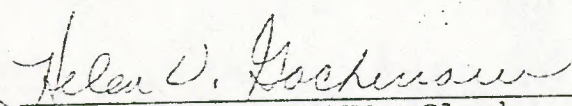
BY:

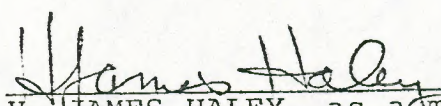

WINFIELD C. MOSES, JR. as
its Mayor


DAVID J. KIESTER, as a member
of the Board of Public Works

BETTY COLLINS, as a member
of the Board of Public Works

ATTESTED BY:


HELEN V. GOCHENOUR, Clerk


H. JAMES HALEY, as a member
of the Board of Public Works

Read the first time in full and on motion by W. J. Davis,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M., E.S.

DATE: 6-26-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____,
at the hour of _____ o'clock _____.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

8-1

Schmidt (no)

Hold *Hold*

BILL NO. R-84-06-16

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
~~ORDINANCE~~ A RESOLUTION of the Common Council approving an amendment
to the Cable Communications System Contract

Withdrawn

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE ~~DO~~ PASS.

MARK E. GIAQUINTA, CHAIRMAN
JAMES S. STIER, VICE CHAIRMAN
JANET G. BRADBURY
THOMAS C. HENRY
DONALD J. SCHMIDT

Mark E. Giaquinta
James S. Stier
Janet G. Bradbury
Thomas C. Henry
Donald J. Schmidt

CONCURRED IN 7-24-84
SANDRA E. KENNEDY, CITY CLERK

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE _____ Resolution

Q-84-06-16

DEPARTMENT REQUESTING ORDINANCE _____ Common Council

SYNOPSIS OF ORDINANCE _____ A Resolution of the Common Council approving an
amendment to the Cable Communications System Contract.

_____EFFECT OF PASSAGE _____ To prohibit showing of x-rated films on TV.

_____EFFECT OF NON-PASSAGE _____ Opposite of the above.

_____MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____